

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

NOEL EXINIA,  
Petitioner,

V.

UNITED STATES OF AMERICA,  
Respondent.

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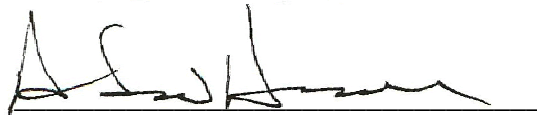
CIVIL NO. B-10-067  
CRIMINAL NO. B-05-083-1

**ORDER**

Pending is the Magistrate Judge's April 15, 2010, Report and Recommendation in the above-referenced cause of action. [Doc. No. 4] No objections have been lodged by either side and the time for doing so has expired. Having reviewed all of the pleadings and the Report and Recommendation for plain error and having found none, it is the opinion of the Court that the Magistrate Judge's Report and Recommendation should be **ADOPTED**.

Therefore, it is **ORDERED** that the Magistrate Judge's Report and Recommendation is hereby **ADOPTED** [Doc. No. 4], Petitioner Noel Exinia's Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 [CV2, Doc. No. 1] is **DISMISSED** for lack of jurisdiction. Further, Petitioner's Motion for Certificate of Appealability [CV2, Doc. No. 8] is **DENIED**.

Signed this 14<sup>th</sup> day of May, 2010.



Andrew S. Hanen  
United States District Judge